

BILL NO. S-70-07-25

SPECIAL ORDINANCE NO. S- 536-70

AN ORDINANCE ordering construction of sidewalk on east side of Fairfield Avenue from south curb line of Paulding Road to north curb line of Pursley Drive.

WHEREAS, on the 2nd day of June, 1970, the Board of Public Works of the City of Fort Wayne adopted Sidewalk Improvement Resolution No. 5553-1970, providing for the construction of a sidewalk on the east side of Fairfield Avenue from the south curb line of Paulding Road to the north curb line of Pursley Drive, except where sidewalk is now in place; and

WHEREAS, within 10 days after the day named for hearing upon said Resolution, a majority of the resident property owners on said street remonstrated against said improvement; and

WHEREAS, on July 9, 1970, the Board of Public Works, upon consideration of such remonstrance, determined that in its opinion, a public need and necessity existed for said improvement, and by its communication dated July 9, 1970, heretofore made a record, communicated the foregoing to this body; and

WHEREAS, Section 107 of Chapter 219 of the Acts of 1905 of the State of Indiana, as amended, provides that in the event of such a remonstrance, the improvement shall not be made unless specifically ordered by an ordinance within 60 days thereafter, passed by two-thirds vote of the Council and approved by the Mayor;

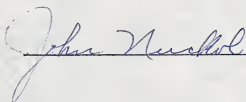
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the construction of the above-described sidewalk is hereby deemed to be of public need and necessity in said area as it is in a school area.

SECTION 2. That notwithstanding any remonstrance filed against the same by the resident freeholders on said street, the construction of a sidewalk on the east side of Fairfield Avenue from the south curb line of Paulding Road to the north curb line of Pursley Drive, except where sidewalk is now in place, be and

the same is hereby specifically ordered, and this Ordinance shall be and constitute sufficient authority and direction to the Board of Public Works of the City of Fort Wayne, Indiana in the premises to proceed in accordance with said Resolution.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

A handwritten signature in blue ink, appearing to read "John Marshall", is written over a horizontal line.

APPROVED AS TO FORM  
AND LEGALITY, \_\_\_\_\_

A rectangular stamp with the words "CITY ATTORNEY" in a bold, sans-serif font.

Read the first time in full and on motion by Nuckols seconded by  
Rousseau and duly adopted, read the second time by title and referred  
to the (Committee on) Public Works (and to the City Plan  
~~Commission for recommendation~~) (and ~~Public Hearing to be held after due legal notice,~~  
~~at the Council Chambers, City Hall, Fort Wayne, Indiana, on~~  
the \_\_\_\_\_ day of \_\_\_\_\_ 196\_\_\_\_, at \_\_\_\_\_ o'clock  
P.M., E.S.T.

Date: 7-28-70

Frank H. Bonachoon  
City Clerk

Read the third time in full and on motion by Nuckols

seconded by Geake and duly adopted, placed on its passage.

Passed (~~1967~~) by the following vote:

AYES	NAYS	ABSTAINED	ABSENT	to-wit:
<u>9</u>	<u>0</u>	_____	_____	
Adams	_____	_____	_____	
Dunifon	_____	_____	_____	
Fay	_____	_____	_____	
Geake	_____	_____	_____	
Nuckols	_____	_____	_____	
Robinson	_____	_____	_____	
Rousseau	_____	_____	_____	
Steigerwald	_____	_____	_____	
Tipton	_____	_____	_____	

Date 8-11-70

Frank H. Bonachoon  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 536-70

on the 11<sup>th</sup> day of August, 19670.

ATTEST: (SEAL)

Frank H. Bonachoon  
City Clerk

Herbert G. Tipton  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12<sup>th</sup> day  
of August, 19670 at the hour of 8:30 o'clock A.M., E.S.T.

Frank H. Bonachoon  
City Clerk

Approved and signed by me this 12<sup>th</sup> day of August, 1960.  
at the hour of 10:33 o'clock A.M., E.S.T.

Harold S. Zeis  
Mayor

Bill No. S-70-07-28

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance  
ordering construction of sidewalk on east side of Fairfield Avenue from south curb line  
of Paulding Road to north curb line of Pearsley Drive,

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance do PASS.

JOHN NICKOLS, Chairman

CELIA ANN FAY, Vice-Chairman

THOMAS G. ADAMS

JACK K. DUNIRON

EDWIN J. ROUSSEAU

John Nickols  
Celia Ann Fay  
Thomas G. Adams  
Jack K. Duniron  
Edwin J. Rousseau

CONCURRED IN

DATE 8-11-70 FUAD G. BONAHOOM, CITY CLERK